IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5414 OF 2004

Shri Sanjay Baburao Desai & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Ms.S.J.Nair for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 14, 2004.

P.C.

1. Heard Counsel for the parties.

2. Having regard to the seriousness of the offence and the strong circumstances, not a case for bail, insofar as Applicant No.1 is concerned.

3. Applicant No.2 is directed to be released on bail, as, except the fact that she was present in the house and raised the alarm, no other circumstance is pressed against her. Besides, she

is of advanced age of above 50 years and there is one child left behind by the deceased of one and a half years, who will have to be looked after. In the peculiar facts and circumstances of the present case, Applicant No.2 Smt.Vimal Baburao Desai is granted bail on the following conditions :

(a) The Applicant No.2 Smt.Vimal Baburao Desai is released on bail in connection with C.R.No.55/04 registered with Sawantwadi Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two local sureties in the like amount.

(b) The Applicant No.2 shall report to the Investigating Officer once in a month on first Saturday of every English Calender month between 10.00 a.m. and 12.00 p.m.

(c) The Applicant No.2 shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant No.2 shall extend full

co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant No.2 is responsible for the delay of the trial, that can be a ground for cancellation of bail.

. The District Judge is directed to ensure that the case is assigned for hearing so as to ensure that the trial is concluded not later than six months from the receipt of writ of this Court.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.